

ANNEX C

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES

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**ROCK MINING - FRESHWATER LAKE BELT PLAN
DADE COUNTY, FLORIDA**

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: No work is proposed seaward of the line of mean high water therefore, this Chapter would not apply.

2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project would achieve the goals of this chapter by developing a long range master plan for this area which, would support the continued orderly social, economic and physical growth of the region.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: This statute is not applicable to this project.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and

other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; spoil islands; and artificial reefs.

Response: The proposed Lake belt project would impact approximately 15,000 acres of wetlands that are jurisdictional under Section 404 of the Clean Water Act. However, the goal of the project is to implement a comprehensive plan for the mining of these lands, while at the same time implement innovative solutions to problems that face adjacent wetland areas, e.i., water quality degradation, hydrpattern changes and invasion of exotic species.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: All impacted lands are in private ownership. However, all mitigation lands will be in public ownership, paid for by the rock mining industry through an established mitigation fee.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: All mitigation lands will be in public ownership and managed be the South Florida Water Management District.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project has been coordinated with the State Historic Preservation Officer (SHPO). As individual permitts are issued for mining a cultural resources survey will be completed. Therefore, the project will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism.

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed project would achieve the goals of this chapter by developing a long range master plan for this area which, would support the continued orderly social, economic and physical growth of the region.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The proposed project would not impact the existing public transportation system of the area and therefore, would be consistent with the goals of this chapter.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The orderly mining of the Lakebelt area will not impact saltwater living resources therefore, would be consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The Lakebelt project has been coordinated with the U.S. Fish and Wildlife Service for compliance with Section 7 of the Endangered Species Act. No threatened or endangered species would be adversely affected. The proposed action would not impact any resource under the management of the Game and Freshwater Fish Commission. Therefore, the project would comply with the goals of this chapter.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This project does not involve water resources as described by this chapter therefore, this chapter is not applicable.

13. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This project does not involve the transportation or discharging of pollutants, this chapter is not applicable.

14. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore this chapter does not apply.

15. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The proposed project would achieve the goals of this chapter by developing a long range master plan for this area which, would support the continued orderly social, economic and physical growth of the region. Therefore, the project would be consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project would not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DER.

Response: An environmental assessment of project impacts has been prepared and will be reviewed by the appropriate resource agencies including DER. Therefore, the project is complying with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to projects on or near agricultural lands.

Response: The proposed project would directly impact approximately 500 acres of farmland of which approximately 37 acres were classified as unique under the Farmland Protection Policy Act. The project has been coordinated under the Farmland Protection Policy Act with the U.S. Department of Agriculture, Natural Resources Conservation Service. Project implementation would include appropriate erosion control plans and measures to ensure compliance.

